IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 19920 of 2004

Between:

G.Jayasimha Reddy S/o. Late Rami Reddy, OCC: Cultivation
R/o.M.Chintakunta, Ghospad Mandal Kurnool District.

... PETITIONER

AND

1 District Collector Kurnool.
2 Revenue Divisional Officer Nandyal, Kurnool District.
3 Mandal Revenue Officer Ghospad Mandal, Kurnool District.
4 Land Reforms Tribunal Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 1 to 3 in initiating steps to allot pattas to third parties in relation to the property in Sy.Nos.30/4,43/1B, 43/3B,44/1,44/3,97/2, 102/1B, 104/2A, 105/2A, 120/lC, 129/1B1, 148/1A, 148/3A, 150/1C2, 150/2, 181/1 to an extent of 24.92 acres which is still held by the petitioner, as illegal, arbitrary and unconstitutional and further direct the respondents 1 to 3 not to allot any property in the above said survey numbers to the third parties.

Counsel for the Petitioner: MR.C.RAGHU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Present writ petition filed by the petitioner is speculative in nature since the declaration filed by the petitioner's father was finalized as early as in the year 1998 and after publication of the particulars of the land proposed to be surrendered, lands were ordered to be approved under Section 10 (3) of A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act') dated 18-11-1988 and 04-07-1989.

2. Once the same has become final, the petitioner cannot contend that he is still in possession of the property. If the petitioner's possession of the lands is unauthorized it is always open for the respondents to follow due procedure for eviction of the petitioner and can distribute the same to the landless poor under the provisions of the Act. The Petitioner cannot reopen the issue, which attained finality on accepting the surrender under Section 10 (3) after a long lapse of 15 years.

The writ petition is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

November 3, 2004

MRR

To:

1 District Collector Kurnool.
2 Revenue Divisional Officer Nandyal, Kurnool District.
3 Mandal Revenue Officer Ghospad Mandal, Kurnool District.
4 The Presiding Officer, Land Reforms Tribunal Kurnool.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

6 Two C.D. Copies.